

CHARTER SCHOOL RENEWAL

The Monterey County Board of Education (County Board) believes that the ongoing operation of a charter school authorized by the County Board should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the County Board shall review the petition thoroughly and in a timely manner.

(cf. 0420.4 - Charter School Authorization)
(cf. 0420.41 - Charter School Oversight)
(cf. 0420.43 - Charter School Revocation)
(cf. 0500 - Accountability)

Each renewal granted by the County Board shall be for a period of five years. [Education Code (E.C.) 47607]

Submission of Renewal Petition

A charter school seeking renewal of its charter is encouraged to submit its petition for renewal to the Board sufficiently early before the term of the charter is due to expire. (See AR 0420.4 for details.)

The signature requirement applicable to new charter petitions is not applicable to petitions for renewal. [5 CCR 11966.4]

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. The petition also shall include documentation that the charter school meets at least one of the criteria for academic performance specified in Education Code 47607(b): [E.C. 47607; 5 CCR 11966.4]

1. Attainment of its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both school-wide and for all numerically significant groups of students served by the charter school. [E.C. 52052]
2. An API ranking in deciles 4-10 in the prior year or in two of the last three years.
3. An API ranking in deciles 4-10 for a demographically comparable school in the prior year or in two of the last three years.
4. Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter

school. In determining whether the charter school satisfies this criterion, the Board shall base its decision on:

- (1) Documented clear and convincing data
- (2) Student achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program, for demographically similar student populations in comparison schools
- (3) Information submitted by the charter school

5. Qualification for an alternative accountability system [E.C 52052(h)]

Criteria for Granting or Denying Renewal

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. The County Board shall consider the past performance of the charter school's academics, finances, and operations in evaluating the likelihood of future success, along with plans for improvement, if any. [E.C. 47607; 5 CCR 11966.4]

In determining whether to grant a charter renewal, the County Board shall consider increases in academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. [E.C. 47607]

The County Board shall deny a renewal petition only if it makes a written factual finding setting forth specific facts to support one or more of the following grounds: [E.C. 47605, 47607; 5 CCR 11966.4]

- 1. The charter school presents an unsound educational program for the students enrolled in the school.
- 2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- 3. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
- 4. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
- 5. The charter school has failed to meet at least one of the following criteria of academic performance:
 - a. Attainment of its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both school-wide and for all numerically significant groups of students served by the charter school. [E.C. 52052]
 - b. An API ranking in deciles 4-10 in the prior year or in two of the last three years.

- c. An API ranking in deciles 4-10 for a demographically comparable school in the prior year or in two of the last three years.
- d. Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school. In determining whether the charter school satisfies this criterion, the Board shall base its decision on:
 - (1) Documented clear and convincing data
 - (2) Student achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program, for demographically similar student populations in comparison schools
 - (3) Information submitted by the charter school

Whenever the County Board makes a determination based on this criterion, the Monterey County Superintendent of Schools (County Superintendent) or designee shall submit copies of supporting documentation and a written summary of the basis for the County Board's determination to the Superintendent of Public Instruction.

(cf. 6162.51 - Standardized Testing and Reporting Program)

- e. Qualification for an alternative accountability system [E.C 52052(h)]

Timelines for Board Action

Within 30 days of receiving the renewal petition, or 60 days if it's a countywide charter, the County Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input.

If the charter school submits documentation pursuant to item #5d in the section "Criteria for Granting or Denying Renewal" above, the County Board shall not grant a renewal until at least 30 days after the submission of such documentation. [E.C. 47607]

Within 60 days of receiving the renewal petition, or within 90 days if it's a countywide charter petition, the timeframe for which can be extended for 30 days by mutual written agreement of the County Board and the charter school, the County Board shall either grant or deny the request to renew the charter. [E.C. 47607; 5 CCR 11966.4]

If the County Board fails to make a written factual finding pursuant to items #1-5 in the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. [5 CCR 11966.4]

If the County Board denies a renewal petition, the charter school may submit its application for renewal to the State Board of Education within 30 days of the County Board's written factual findings supporting the denial. If the County Board then fails to deny or grant the petition within 60 days of receiving the petition, or within 90 days if extended by written mutual agreement of the charter school and the County Board, the charter school may submit the petition to the State Board of Education. [E.C. 47605, 47607.5]

Denial of renewals for countywide charters cannot be appealed to the State Board of Education.

The County Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the County Board's action, whenever a renewal of the charter is granted or denied. [E.C. 47604.32; 5 CCR 11962.1]

Note: Pursuant to Education Code 47604.32, if a charter school ceases operation for any reason, including denial of its renewal, the County Superintendent must notify the California Department of Education. [See BP 0420.41 - Charter School Oversight] In addition, the Monterey County Office of Education and/or charter school must implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. [See AR 0420.4 - Charter School Authorization]

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

52052 Alternative accountability system; definition of numerically significant student subgroup

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

Adopted: 09/04/13